

REMARKS

Claim 1 has been amended. Claims 1; 4; 12; and 23 remain in the application. Of these, claim 1 is the sole independent method claim.

Reexamination and reconsideration are respectfully requested in view of the amendments and the following remarks.

The claims stand rejected under 35 U.S.C. § 102 (e) based upon Reiley et al (US 6,248,110).

Method claim 1 has been amended to define the deployment of a tool comprising a circumferentially enclosed hollow body having a distal terminus, which also comprises an extension that protrudes beyond the distal terminus and forms a platform that is open in at least one radial direction. As further defined in amended method claim 1, the platform is positioned near an expandable structure, with the platform located between the expandable structure and a first region of the cancellous bone which is not to be compressed. As further defined in amended method claim 1, a cavity is formed in a second region of cancellous bone by expanding the expandable structure with the platform serving as a barrier to induce the expandable structure to expand away from the platform in the at least one radial direction to compress the second region of the cancellous bone, while the first region of the cancellous bone remains substantially not compressed.

Reiley shows a tool comprising a circumferentially enclosed hollow body having a distal terminus. However, Reiley does not show an extension that protrudes beyond the distal terminus and forms a platform that is open in at least one radial direction. Figure 4 of Reiley shows a circumferentially enclosed hollow body that having a distal terminus (along which the suction holes 88 are located). In Reiley, there is no platform that extends beyond the distal terminus and that is open in at least one radial direction. In Reiley, the expandable structure simply expands out the distal terminus. The suction holes 88 at the distal terminus serve to remove debris, but do not affect or influence the expansion of the expandable body.

Application Serial No. 09/828,470

Amendment F

Page - 4 -

Applicant therefore believes claims 1; 4; 12; and 23 are in condition for allowance.

Respectfully Submitted,

By

Daniel D. Ryan
Registration No. 29,243

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
Customer No.: 26308